Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 6, 13, 15, 16, 25, 26, 28, 30-32, 34, 35, 38, 39, 41, 43, 45-50, 62, 63, 66, 68, 69, 71-73, 77-81, 102, and 103 are pending in the application. Claims 6, 16, 30, 35, and 78 are independent. Claims 6, 16, 30, 34, 35, and 78 have been amended. Claims 33, 44, 65, and 76 have been canceled without disclaimer and without prejudice to renewal.

Initialed Form 1449 Not Received

On **May 26, 2005** (stamped received by the U.S. P.T.O. on May 31, 2005), Applicants submitted an Information Disclosure Statement listing 12 references. Applicants have not yet received an initialed 1449 form for this IDS submission. Applicants respectfully request that the Examiner provide the initialed 1449 form for this IDS submission. See MPEP § 609 ("An information disclosure statement filed in accordance with the provisions of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner assigned to the application.").

Cited Art

The Action applies the following cited art: U.S. Patent No. 6,240,555 to Shoff et al. ("Shoff"), U.S. Patent No. 6,002,394 to Schein et al. ("Schein"), U.S. Patent No. 6,058,430 to Kaplan et al. ("Kaplan"), U.S. Patent No. 6,615,251 to Klug et al. ("Klug"), and U.S. Patent No. 5,778,181 to Hidary et al. ("Hidary").

§ 103 Rejections

Claim 6

Amended claim 6 reads as follows: (emphasis added):

> in response to link data conveyed with the television signal, displaying with the displayed television signal an icon, said icon indicating the availability of associated auxiliary data from the auxiliary data network, *wherein the link data is conveyed with the television signal M different times during a program, but the displaying the icon occurs only N times, and wherein N is less than M, whereby a viewer is not unduly disrupted by repeated display of the icon during the program*;

The Action rejects claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Shoff and Schein in further view of Kaplan or Klug. The Action rejects dependent claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Shoff and Schein in further view of Kaplan or Klug and Hidary. Applicants respectfully submit that claim 6 is allowable over the applied art.

Claim 6 has been amended with language from dependent claim 33. Regarding the above-cited language of claim 6, the Examiner states that "Shoff teaches of receiving and showing an icon at a predetermined time as it relates to a specific program or channel, it is obvious that after the specific program has ended that the particular icon related to the show is removed from the screen." Action, page 9. Applicants disagree with this characterization of Shoff relative to the claims of the present application.

Shoff describes displaying "an icon or other indicia on the screen to visually inform the viewer that the program is interactive compatible," and that the "icon 204 can be displayed throughout the program, or faded out after a set time period." Shoff, col. 9, lines 30-53. Displaying an icon during a program, or fading it out after a set time period, does not teach or suggest "wherein the link data is conveyed with the television signal M different times during a program, but the displaying the icon occurs only N times, and wherein N is less than M, whereby a viewer is not unduly disrupted by repeated display of the icon during the program" as recited by claim 6. The Examiner's statement that it would be obvious to remove an icon after a program has ended is not relevant because claim 6 recites "M different times *during a program*, but the displaying the icon occurs only N times." Furthermore, Shoff's description of "throughout the program" and "faded out after a set time period" leads away from the language of claim 6 because Shoff's description is directed to the *duration* the icon is displayed, while claim 6 is directed to the *number of times* the icon is displayed.

In addition, Applicants cannot find anywhere within Shoff, Schein, Kaplan, Klug, and Hidary a teaching or suggestion to modify the cited prior art references so as to result in the above-cited language of claim 6.

For at least these reasons, Shoff, Schein, Kaplan, Klug, or Hidary, taken separately or in combination, do not teach or suggest all limitations of claim 6. Therefore, claim 6 should be allowable.

Claims 16, 30, 35, 41, and 78

Claim 16 has been amended with language from claim 65. Amended claim 16 recites: (emphasis added):

> *in response to subsequent logical address link data conveyed with the televised advertising message, skipping displaying the icon based at least in part upon a result of comparing the subsequent logical address link data to previously conveyed logical address link data.*

Claim 30 has been amended with language from dependent claim 65. Amended claim 30 recites: (emphasis added):

> *in response to subsequent logical address link data conveyed with the television signal, skipping displaying the icon based at least in part upon a result of comparing the subsequent logical address link data to previously conveyed logical address link data.*

Claim 35 has been amended with language from claim 44 and from dependent claim 76. Amended claim 35 recites: (emphasis added):

> *responsive to receipt of subsequent logical address link data, causes comparison of the subsequent logical address link data to at least some previous logical address link data;*
> *if the subsequent logical address link data matches any of the at least some previous logical address link data, causes skipping display of the icon during the display of the television programming; and*
> *if the subsequent logical address link data does not match any of the at least some previous logical address link data, causes display of the icon during the display of the television programming, the icon indicating the availability of additional auxiliary data referenced by the subsequent logical address link data.*

Claim 41 recites: (emphasis added):

> *wherein displaying the icon only N times comprises skipping displaying the icon based at least in part upon a result of comparing the link data conveyed with the television signal M different times.*

Claim 78 has been amended with language from claim 65. Amended claim 78 recites: (emphasis added):

> *in response to subsequent link data conveyed with the television signal, skipping displaying the icon based at least in part upon a result of comparing the subsequent link data to previously conveyed link data.*

The Action rejects claims 16, 30, 35, and 78 under 35 U.S.C. § 103(a) as being unpatentable over Shoff and Schein in further view of Kaplan or Klug. The Action rejects claims 41, 65, and 76 under 35 U.S.C. § 103(a) as being unpatentable over Shoff and Schein in further view of Kaplan or Klug and Hidary. Applicants respectfully submit that claims 16, 30, 35, 41, and 78 are allowable over the applied art.

The Examiner states that "Shoff-Schein-Kaplan or Shoff-Schein-Klug does not expressly teach that in response to subsequent link data, skipping displaying the icon at least in part upon result of comparing the subsequent link data to at least some previous link data." Action, page 9. However, the Examiner then argues, "it would have been obvious to one of ordinary skill that Shoff-Schein-Kaplan or Shoff-Schein-Klug would have been motivated to limit the number of times an icon is shown during a particular broadcast if the user did not respond the first time." Applicants assert that there is no basis for the Examiner's conclusion that one of ordinary skill in the art would be motivated in this way in light of Shoff-Schein-Kaplan or Shoff-Schein-Klug. The Examiner has not cited to any reference or to any common knowledge in the art to support such a conclusion.

The Examiner next argues that "Hidary specifically teaches comparing at least some previously received URLS (link data) to currently received URLs (link data) ... skipping this previously received URL." Action page 9. Applicants disagree with this characterization of Hidary relative to the claims of the present application.

Hidary describes detecting "identical URLs sent directly after one another which causes the browser not to fetch URLs in these particular cases." Hidary col. 5, lines 16-19. According to Hidary, if the URL has not been previously detected, "the specific URL is added to the URL list" and "the browser will access the Web site address indicated by the URL and retrieve the cited Web page(s) 58 via the Internet." Hidary col. 5, lines 29-33 and Fig. 3. This part of Hidary relates to avoiding Web page access operations when Web page content has already been retrieved. It does not teach or suggest "in response to subsequent logical address link data conveyed with the television signal, skipping displaying the icon based at least in part upon a result of comparing the subsequent logical address link data to previously conveyed logical address link data" as recited by claim 30, or the above-cited language of claims 16, 35, 41, or 78 respectively.

Elsewhere, Hidary indicates:

> Another section on the screen is also preferably used to represent an operational control panel. This control panel provides a list of the URLs that have been broadcast and correspondingly received by the computer 16. This control panel is updated to add a URL code each time a new URL code is received by the PC 16. This list gives the subscriber the flexibility to go back and retrieve particularly informative or interesting Web pages that have already been displayed earlier in the program, or alternatively, to print them out for future reference. Furthermore, the list could include URLs referring to Web pages not displayed with the broadcast program, but that provide further information on a certain topic of interest to the viewer.

Hidary col. 5, lines 46-59. Dedicating a section of a screen to *a control panel that lists URLs* (as in Hidary) is different than, and leads away from, display of an *icon* as recited in claims 16, 30, 35, 41, and 78 respectively. Moreover, *continuing* to list a particular URL in such a control panel even if multiple copies of the URL are received (as in Hidary) further leads away from the "*skipping*" icon display language of claims 16, 30, 35, 41, and 78.

In addition, Applicants cannot find anywhere within Shoff, Schein, Kaplan, Klug, or Hidary a teaching or suggestion to modify the references so as to result in the above-cited language of claims 16, 30, 35, 41, and 78, respectively.

For at least these reasons, Shoff, Schein, Kaplan, Klug, and Hidary, taken separately or in combination, do not teach or suggest all limitations of claims 16, 30, 35, 41, and 78, respectively. Therefore, claims 16, 30, 35, 41, and 78 should be allowable.

Remaining dependent claims

Claims 13, 15, 25, 26, 28, 31, 32, 34, 43, and 102 ultimately depend on claim 6. Thus, for at least the reasons set forth above with regard to claim 6, claims 13, 15, 25, 26, 28, 31, 32, 34, 43, and 102 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 13, 15, 25, 26, 28, 31, 32, 34, 43, and 102.

Claims 45-50 and 103 ultimately depend on claim 16. Thus, for at least the reasons set forth above with regard to claim 16, claims 45-50 and 103 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 45-50 and 103.

Claims 62, 63, and 66 ultimately depend on claim 30. Thus, for at least the reasons set forth above with regard to claim 30, claims 62, 63, and 66 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 62, 63, and 66.

Claims 38, 39, 68, 69, 71-73, and 77 ultimately depend on claim 35. Thus, for at least the reasons set forth above with regard to claim 35, claims 38, 39, 68, 69, 71-73, and 77 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 38, 39, 68, 69, 71-73, and 77.

Claims 79-81 ultimately depend on claim 78. Thus, for at least the reasons set forth above with regard to claim 78, claims 79-81 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 79-81.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

The claims should be allowable. Such action is respectfully requested.

Respectfully submitted,

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